

GREENBERG TRAURIG LLP

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HSBC North America Inc., and HSBC USA Inc.*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

CHINA FISHERY GROUP LIMITED
(CAYMAN) , et al.,

Debtors.

Case No. 16-11895 (JLG)

Chapter 11 (Jointly Administered)

In re:

CFG PERU INVESTMENTS PTE. LTD.
(SINGAPORE),

Debtor.

Case No. 16-11914 (JLG)

Chapter 11

DECLARATION OF LOUIS SMITH

Louis Smith, being of full age, hereby declares as follows:

1. I am an attorney with the law firm Greenberg Traurig, LLP, counsel for HSBC North America Holdings Inc., HSBC North America Inc., and HSBC USA Inc. (collectively “HSBC US”) in connection with this action. I submit this declaration in support of HSBC US’s Objection to the Motion of William A. Brandt, Jr., Chapter 11 Trustee for CFG Peru Investments Pte. Ltd. (Singapore), for

Order Authorizing Issuance of Subpoenas to Hongkong and Shanghai Banking Corporation Limited Directing Production of Documents and Examination of Witnesses. I have personal knowledge of the facts set forth herein.

2. HSBC Bank USA, N.A. (“HSBC Bank USA”) was served with a subpoena seeking documents maintained by The Hongkong and Shanghai Banking Corporation Limited (“HBAP”) in a case captioned *Dartell v. Tibet Pharmaceuticals, Inc.*, Civil Action No. 2:14-cv-3620, United States District Court, District of New Jersey (the “*Dartell* case”).

3. Attached as **Exhibit A** is a true and correct copy of an Order dated February 29, 2016, issued by United States Magistrate Judge Michael A. Hammer of the District of New Jersey in the *Dartell* case denying a motion to compel HSBC Bank USA to produce documents maintained by HBAP.

4. HSBC Bank USA was also served with a subpoena seeking documents maintained by HBAP in a case captioned *ASI, Inc. v. HSBC Bank USA, N.A.*, Civil Action No. 1:16-mc-00269-P1, United States District Court, Southern District of New York (the “*ASI* case”).

5. Attached as **Exhibit B** is a true and correct copy of the transcript, dated August 30, 2016, of United States District Judge Paul A. Engelmayer’s oral decision denying a motion to compel HSBC Bank USA to produce documents maintained by HBAP.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 6, 2017

/s/ Louis Smith
LOUIS SMITH